



County of Los Angeles
CHIEF EXECUTIVE OFFICE

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December 14, 2010

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

15 December 14, 2010

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

**AUTHORIZE THE CONSOLIDATED FIRE PROTECTION DISTRICT TO RATIFY
RETROACTIVE CHANGE ORDERS AND PAYMENTS AND ACCEPT THE NEW
AVALON LIFEGUARD/PARAMEDIC STATION PROJECT
CAPITAL PROJECT NO. 69488
(FOURTH DISTRICT) (4 VOTES)**

SUBJECT

Approval of the recommended actions will retroactively ratify the Consolidated Fire Protection District's issuance of change orders and corresponding payments made to the contractor, accept the contractor's work, and authorize the Consolidated Fire Protection District to release budgeted funding withheld from the contractor for the New Avalon Lifeguard/Paramedic Station Project.

**JOINT RECOMMENDATION WITH THE FIRE CHIEF THAT YOUR BOARD, ACTING
AS THE GOVERNING BODY OF THE CONSOLIDATED FIRE PROTECTION
DISTRICT OF LOS ANGELES COUNTY:**

1. Retroactively ratify change order numbers 1-62 issued by the Consolidated Fire Protection District in the aggregate amount of \$300,069.00, as listed on Attachment A, and the corresponding payments made to the contractor. The change orders collectively represent a 7.6 percent increase to the base construction contract amount.
2. Accept the work of the contractor, AMG & Associates, Inc., in completing the New Avalon Lifeguard/Paramedic Station Project for a total construction cost of \$4,224,069.00.

"To Enrich Lives Through Effective And Caring Service"

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3. Authorize the Consolidated Fire Protection District to release the full retention in the amount of \$421,906.90 to AMG & Associates, Inc.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions will close-out the New Avalon Lifeguard/Paramedic Station Project by: 1) authorizing the Consolidated Fire Protection District's (District) issuance of 62 change orders and corresponding payments in the aggregate amount of \$300,069.00, and the corresponding payments that have been made to the contractor, 2) accept the contractor's work in completing the project; and 3) authorize the District to release construction retention in the amount of \$421,906.90 to AMG & Associates, Inc.

The project, located in the City of Avalon, Catalina Island consists of a two-story, 7,005 square foot lifeguard/paramedic station with a two-bay apparatus area for housing a paramedic truck, a utility vehicle and watercraft trailers; an office with storage rooms; a reception area with a public restroom, living quarters including a kitchen; a living/dining room; and dormitories for up to eight shift personnel. The architectural plan conforms to the District's New Station Prototype design/construction specifications adopted in 1999 and complies with all Americans with Disabilities Act and State Health and Safety requirements.

The project was completed with the Board approved budget and on schedule.

Retroactive Approval of Change Orders and Payments

On May 6, 2008, your Board approved a construction contract award to AMG & Associates for the construction of the new Avalon Lifeguard Paramedic Station Facility. Although the attachment to the letter listed in the Total Project Budget Summary a line item of \$393,000.00 for change orders, the recommendation to delegate authority to the Fire Chief to execute change orders to the contract was not included in the memo.

The Avalon Lifeguard/Paramedic Station Project was completed on time and under budget and 62 change orders were approved by the District as required to complete the project.

Approval of the first recommended action will ratify change orders and corresponding payments 1-62 which exceeded the scope and the amount of the Board approved contract issued on May 6, 2008, to AMG & Associates, Inc.

Corrective Action

To address the issue of the retroactive change orders, the Retroactive Contract Review Committee (RCRC) convened on November 22, 2010, to discuss this matter and has recommended the approval of the Corrective Action Plan. The Corrective Action Plan includes:

1. The District will transfer all capital project management to DPW on an interim basis.
2. A Procedure Manual will be created to include the process of transferring projects from DPW to the District, and to ensure proper authority to approve invoices before payments are made.
3. A Board letter checklist will be created that staff will follow to ensure the District's requests delegated authority when required.
4. Training is also scheduled as part of the plan, and will be implemented no later than February 2011, and prior to capital project management returning to the District.

The Corrective Action Plan was reviewed with the RCRC and changes were incorporated in the Plan as recommended by members of the Committee.

Green Building/Sustainable Design Program

The project supports your Board's Sustainable Design Program by implementing design features that, will allow for application of a U.S. Green Building Council's (Leadership in Energy and Environmental Design) Silver Level Certification. The project uses water-efficient plumbing fixtures, locally manufactured materials, energy efficient lighting, and includes drought tolerant landscaping to reduce the amount of potable water consumed.

Implementation of Strategic Plan Goals

Completion of the proposed project complies with the County's Strategic Plan Goal of Operational Effectiveness to better provide ocean lifeguard and emergency medical services to the City of Avalon.

FISCAL IMPACT/FINANCING

The total actual project cost, including the cost of plans and specifications, Civic Art allocation, consultant services, miscellaneous expenditures, construction and County services, was \$4,911,280.00. The project was fully funded by the Fourth Supervisorial District's Various Capital Improvement funds. There was no impact to net County cost.

Total construction costs for the project were \$4,224,069.00, including the base contract amount of \$3,924,000.00 and issued change orders No.'s 1-62 of \$300,069.00. (Attachment A)

On May 6, 2008, your Board awarded the construction contract to AMG & Associates Inc. The Notice to Proceed was issued on June 4, 2008. Construction commenced on June 28, 2008, and the project was declared substantially complete on December 15, 2009. The District took possession on February 17, 2010. The building was dedicated on April 30, 2010. Punch List work continued and was completed the week of September 20, 2010.

Operational Budget Impact

Ongoing annual operating costs for the new Avalon Lifeguard/Paramedic Station Project are estimated at \$28,400, which is \$7,000 less than the previous operating costs for lifeguard/paramedic operations that were being provided to the City of Avalon (City) prior to the opening of the station. In accordance with the renegotiated Services Agreement between the City and the District, which was approved by your Board on September 13, 2005, the District is reimbursed 100 percent of the beach lifeguard costs, and due to paramedic and rescue boat regional responsibility outside the City's boundaries, the City funds 30 percent of the total cost (Salaries & Employee Benefits plus overhead) for the Paramedic Baywatch Avalon Program.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The project was substantially completed on December 15, 2009, and the District took beneficial occupancy on February 17, 2010. The Punch List was completed on September 20, 2010. The required close-out documents were received on October 12, 2010.

Acceptance by your Board is recommended at this time as the contractor has submitted record drawings, warranties, operations manuals, and the certificate of compliance, meeting all contract close-out requirements.

ENVIRONMENTAL DOCUMENTATION

In accordance with the provisions of the California Environmental Quality Act (CEQA) and the County Environmental Reporting Procedures and Guidelines, an Amended Mitigated Negative Declaration (AMND) was prepared by the lead agency, the Planning Department of the City of Avalon, and made available for the public comment from April 7, 2006 through April 28, 2006. The approving agency, the Avalon City Council, held a public hearing on the proposed project on May 2, 2006, and determined that the project with the proposed mitigation measures will not have a significant effect on the environment. The City sent a Notice of Determination (NOD) to the Los Angeles County Clerk, and the NOD was filed November 30, 2006. No challenges to the City's determination were received from the public.

On September 12, 2006, your Board accepted from the City of Avalon the conveyance of the real property for the site of the new Avalon Lifeguard/Paramedic Station Project, and as a part of that action accepting the conveyance, your Board, acting as a responsible agency, reviewed and considered the AMND adopted by the City of Avalon, determined that AMND adequately addressed the environmental impacts of the project, and adopted the AMND. On October 9, 2007, your Board accepted the District's recommendation, acting as a responsible agency for the purposes of CEQA, found that the project would not have a significant effect on the environment and your Board approved the AMND for this purpose.

CONTRACTING PROCESS

On October 9, 2007, your Board, acting as the governing body of the District, adopted plans and specifications for the New Avalon Lifeguard/Paramedic Station Project at an estimated \$2,915,000 base construction cost and instructed the Executive Officer-Clerk of the Board to advertise for bids. On November 6, 2007, one bid was received, which significantly exceeded the then-approved project amount.

On January 29, 2008, your Board authorized rejection of the bid received and readvertised for construction bids. On February 26, 2008, five bids were received. AMG & Associates, Inc., with a bid of \$3,924,000 was determined to be the Lowest Responsive and Responsible Bidder. On May 6, 2008, your Board awarded a construction contract to AMG & Associates Inc., in the amount of \$3,924,000.00.

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Upon approval, your Board is retroactively approving the 62 change orders previously issued by the Fire Chief or his designee, and corresponding payments to the contractor, in the aggregate amount of \$300,069.00, which represents a \$300,069.00 net addition to the base construction contract amount of \$3,924,000.00 for a maximum authorized construction contract amount of \$4,224,069.00.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There is no negative impact on current County services.

CONCLUSION

Please return one adopted copy of this letter to the Chief Executive Office, Capital Projects Division.

Respectfully submitted,



WILLIAM T FUJIOKA
Chief Executive Officer



P. MICHAEL FREEMAN
Fire Chief

WTF:PMF:DJT
SW:CY:zu

Attachments

c: Executive Office, Board of Supervisors
Auditor-Controller
County Counsel

ATTACHMENT A

C.O. Category

C.O. Originator

| | |
|---|--|
| <p>1 - Unforeseen conditions 2 - Errors and Omissions 3 - Regulatory Requirements 4 - Scope Changes 5 - Value Engineering 6 - Disputed</p> | <p>A - Architect C - Contractor D - Fire E - CEO F - ISD G - 3rd Party</p> |
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| CO No | Date of CO | Amount | Description | CO Cat | CO Orig | Reasoning | |
|-------|------------|-------------|---|----------------------------|---------|---|---------------------------------------|
| 1 | 8-20-08 | \$8,670.00 | Lighting/generator package cost escalation | 5 | C | Cost escalation due to delay in issuance of contract | |
| 2 | 10-29-08 | \$7,015.00 | Furnish & install additional trench drain | 2 | D | Improper design would let water enter the station | |
| 3 | 9-19-08 | \$4,760.00 | Install additional copper flashing/gutter/downspout | 4 | A | For proper protection of stairways, decks, and patios | |
| 3 | 9-19-08 | \$6,734.00 | Revised waterproofing and tile at balcony | 4 | A | For proper protection from water intrusion | |
| 4 | 9-19-08 | \$13,017.00 | Revised waterproofing and tile at stair #121 | 4 | A | For proper protection from water intrusion | |
| 5 | 9-19-08 | \$11,137.00 | Delete concrete staining at kitchen, hallway, laundry room. Install carpet at hallway. Sheet Vinyl at kitchen/laundry room per ASI #118 | 4 | A,D | 2 nd Floor sub straight was only 1 ½ inch concrete. Value engineering determined it would continuously crack and be a constant repair item. Conventional flooring applications afford lower operation costs over the life of the building. | |
| 6 | 9-19-08 | \$2,612.00 | Install area drain at stair # 121 and 114 | 2 | A | For proper protection from water intrusion | |
| 7 | 9-19-08 | \$9,130.00 | Delete lightweight concrete at restrooms, add mortar bed/tile per SI #112-116 | 4 | A | Lightweight concrete could not support the application. See CO #5 for additional information | |
| 8 | 2-14-09 | \$3,948.00 | Misc. landscaping changes | 4 | D | Changes to planting material better suited to the project location | |
| 9 | | \$3,786.00 | Removal of existing tree at driveway | 1 | D | Removal of existing tree at driveway | |
| 10 | 3-4-09 | \$506.00 | Provide additional 4" clean outs for roof drains | 2 | D | For future access to piping walls | |
| 11 | 3-3-09 | \$6,275.00 | So. Cal. Edison connection-fees | 3 | G | So. Cal Edison connection fee | |
| 12 | 3-4-09 | \$1,369.00 | Provide gas lines to dryers (2) | 2 | D | Omitted in original drawings | |
| 13 | 3-5-09 | \$811.00 | Install water lines to refrigerator | 2 | D | Omitted in original drawings | |
| 14 | 21.2 | 2-19-09 | \$2,899.00 | Misc. electrical revisions | 4 | D | To comply with Fire Prototype Station |

| | | | | | | | |
|----|-------|----------|-------------|--|---|-----------|---|
| 15 | 31 | 3-19-09 | \$1,276.00 | Provide custom paint for Type "N" fixtures | 4 | A | Omitted in original drawings |
| 16 | 38 | 4-6-09 | \$210.00 | Correct Door #104 | 1 | C | Incorrect sizing or opening on drawings |
| 17 | 9-R1 | 5-18-09 | \$2,424.00 | Delete soffits/full height tile at showers | 4 | A | Delete soffits/full height tile at showers |
| 18 | 29-R1 | 4-27-09 | \$7,138.00 | Install soffits in App bay | 2 | D | To conceal exposed piping conduit |
| 19 | 10 | 9-22-09 | \$26,927.00 | Relocate drinking fountain & gas meter | 4 | A,D. C | Required by Gas Company |
| 20 | 11-R1 | 5-11-09 | \$757.00 | Add roof drain at Mechanical Well | 2 | A | Omitted in original drawings |
| 21 | 22-R1 | 9-21-09 | \$3,819.00 | Install Jack Rafter Hangers | 2 | A | Omitted in original drawings |
| 22 | 25-R1 | 3-1-09 | \$2,344.00 | Additional concrete costs associated with installing additional trench drain | 4 | D | See CO # 2 |
| 23 | 30-R1 | 9-22-09 | \$8,498.00 | Revisions to first floor patio planter constriction per ASI 10.1 | 4 | A | Conflict with Bidding and Approved Drawings |
| 24 | 33 | 9-22-09 | \$5,382.00 | Install Flagpole | 2 | D | Omitted in original drawings |
| 25 | 34 | 9-22-09 | \$39,517.00 | Add 6 antennae conduits | 2 | F | Required by ISD |
| 26 | 36-R1 | 9-22-09 | \$2,817.00 | Framing for 2 nd Fl Dayroom Ceiling | 2 | C | Omitted in original drawings |
| 27 | 37 | 9-22-09 | \$1,616.00 | Changes to Trellis Const. per ASI 14 | 4 | A | For proper protection from water intrusion |
| 28 | 39 | 9-24-09 | \$7,293.00 | Install District Standard Ice Machine | 2 | D | Install District Standard ice machine |
| 29 | 48 | 10-8-09 | \$5,568.00 | Provide additional Smoke/Heat Detectors | 4 | D | To provide full coverage station |
| 30 | 49 | 10-8-09 | \$3,462.00 | Provide Air Balance Test/Report per LEED requirements | 2 | A | Omitted in original drawings |
| 31 | 50 | 10-8-09 | \$2,561.00 | Install Artist provided tile at front stair risers | 4 | D,G | To provide proper installation and protect tile from damage |
| 32 | 51 | 10-8-09 | \$1,349.00 | Install Ponywall at office per ASI 20 | 2 | C | Omitted in original drawings |
| 33 | 52 | 10-8-09 | \$3,470.00 | Install check valves in sewage ejector | 2 | G | Omitted in original drawings |
| 34 | 53 | 10-8-09 | \$2,730.00 | Relocate gas lines for ranges | 2 | D | Improper location on drawings |
| 35 | 54 | 10-8-09 | \$8,780.00 | Install additional lighting for emergency call system | 2 | D | Lighting specified would not work with emergency call system. Additional lights were required |
| 36 | 55 | 10-8-09 | \$3,894.00 | Add supports at dorm, desks/fillers at dorm lockers | 1 | D | Omitted in original drawings |
| 37 | 61 | 10-29-09 | \$5,845.00 | Corrective mounting of exterior light fixtures | 1 | D | Fixtures too low as per drawings, conflicted with path of travel |
| 38 | 62 | 10-29-10 | \$1,547.00 | Shorten down rods at 2 nd floor dorms | 1 | G | Fan blades hit casework |

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|------------|-------|---------------|---------------------|---|---|-----|---|
| 39 | 42-R1 | 7-2-09 | \$6,266.00 | Add plaster control joints at exterior finish | 2 | D | Omitted in original drawings |
| 40 | 43 | 4-28-09 | \$679.00 | Add dryer vents | 2 | D | Omitted in original drawings |
| 41 | 44 | 5-28-09 | \$2,080.00 | Change elect room doors to 8ft tall | 1 | A | Specified doors were too short. Would not allow installation of equipment |
| 42 | 59 | 10-8-09 | \$1,260.00 | Larger Trees | 1 | D | Specified trees were not available |
| 43 | 60 | 10-24-09 | \$950.00 | Add decorative tile to mural | 4 | G | Artist could not purchase specified tile |
| 44 | 64 | 10-8-09 | \$1,506.00 | Avalon City Permits (streets) | 3 | C | Avalon City Permits (street) |
| 45 | 65 | 10-8-09 | \$1,987.00 | Larger casework magnets | 5 | D | Doors would not catch |
| 46 | 69 | 10-8-09 | \$4,314.00 | Additional roofing around radio masts | 2 | D | Required for antennae penetrations |
| 47 | 75 | 4-15-09 | \$16,494.00 | Sports fencing to protect building | 1 | D | Sports fencing to protect building |
| 48 | 47 | 5-22-09 | \$2,577.00 | App floor soffits | 1 | D,A | Omitted in original drawings |
| 49 | 56 | 10-8-09 | \$6,872.00 | Builders risk Insur. Extension | 2 | C | Due to extended contract |
| 50 | 67 | 10-29-09 | \$1,218.00 | Add tile base to RR 108/109 | 2 | A | Omitted in original drawings |
| 51 | 66-R1 | 12-25-09 | \$584.00 | Fire Alarm Monitoring | 3 | D | Code requirement |
| 52 | 68-R1 | 5-17-10 | \$800.00 | Paint ductwork App bay | 4 | D | To blend in exposed ductwork with apparatus bay |
| 53 | 73-R1 | 7-27-10 | \$4,294.00 | Add Air Compressor | 4 | D | Omitted in original drawings |
| 54 | 74 | 4-6-10 | \$1,905.00 | Add butcher block receptacle covers | 4 | A | Omitted in original drawings |
| 55 | 76 | 5-14-10 | \$515.00 | Add mop rack 1 st floor | 2 | D | Omitted in original drawings |
| 56 | 79-R1 | 6-5-10 | \$1,338.00 | Add copper exhaust eyebrows | 5 | D | Omitted in original drawings |
| 57 | 81-R2 | 7-21-10 | \$5,673.00 | Correct EX fan motor/pulley size | 2 | G | Conflict between plans and specifications |
| 58 | 63-R1 | 7-27-10 | \$8,882.00 | SCAQMD Permit | 3 | G | SCAQMD Permit |
| 59 | 58 | 7-27-10 | \$8,789.00 | Cat converter gen. set per SCAQMD | 3 | G | Cat Converter Gen Set per SCAQMD |
| 60 (DC 01) | | | -\$1620.00 | Delete traffic signal App bay | 5 | D | Not required for this location |
| 61 (DC 02) | | | -\$7,035.00 | Contractor portion of exterior painting | 5 | D | Building required painting. Contractor responsible for damaged areas |
| 62 (DC 04) | | | -\$2,152.00 | Delete double/triple stack of roof tile | 5 | D | Would have collected debris on roof, requiring constant maintenance. |
| | | TOTAL: | \$300,069.00 | | | | |